

Comments and Response

Claims 1-21 are pending and of these claims 11-21 have been allowed and claims 1-10 stand rejected. In view of the comments below Applicant respectfully requests that the Examiner reconsider the present application including claims 1-10 and withdraw the rejections of these claims.

- a) Applicant notes with appreciation that the Examiner has considered the art listed on and returned an initialed copy of form 1449.
- b) Claims 1-3 and 8-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al. (U.S. Patent No. 6,233,448 B1) in view of Liu (U.S. Patent No. 5,825,759).

The Alperovich et al reference (U.S. Patent No. 6,233,448 B1) (Alperovich et al) concerns a cellular phone 14 operating on a cellular system 30, 32 or wide area network (WAN) where service from or access to the WAN is available throughout a large, e.g. wide, area. The system of Alperovich et al obtains information from the cellular phone that corresponds to the location of the cellular phone, ascertains this location, and based on this location of the cellular phone selectively enables/disables calling features, such as call forwarding to a wire line number. For example, when the system determines that the cellular phone is at or near the home of the user, calls placed to the cellular phone can be automatically forwarded to the users home phone by the system.

The Liu reference (U.S. Patent No. 5,825,759) (Liu) discusses communications networks having home and visitor location registers, similar to cellular systems and mobile agents that facilitate services, such as authentication and availability of appropriate databases and the like as a mobile user and corresponding device or communications unit travels about the area where service from the network is assured.

The present invention concerns wireless local area networks (WLANs) and WLAN devices (communications devices or unit with capability to access a WLAN such as an IEEE 802.11 based network) and more particularly a threshold question that is often presented with such WLANs, namely whether any WLAN or other WLAN device is available to provide any services. The procedure used by a WLAN device, e.g. PDA, computer, cell phone, each with WLAN capability, to find a WLAN or network access point (NAP) and establish a connection with the NAP for the WLAN is typically referred to as service acquisition. Only after service acquisition has occurred or been performed by the WLAN device, e.g. a NAP has been discovered and a link therewith established, do concerns, such as what functionality is appropriate or available, that are dealt with by Alperovich et al and Liu arise. As is clear the subject matter of Alperovich et al and Liu deals with matters that arise after service acquisition has occurred.

WLANs are often adhoc networks where service acquisition is problematic and essentially opportunistic (is unit within range) as opposed to being all but guaranteed in, for example, a cellular system. The discovery and initial connection formation processes include transmitting information to see whether there is any response and can be complex and time consuming with frankly little hope of being successful, given the relatively sparse coverage areas

for most WLANs. Thus a WLAN device can consume all or most of its battery capacity and needlessly run security risks (broadcasting its presence) while doing these service acquisition processes, under circumstances where there is little or no need to be undertaking or interest in undertaking the processes.

The present invention addresses this threshold question of service acquisition for WLAN devices in the form of inventive methods and apparatus for advantageously selectively enabling or controlling service acquisition. Both references assume that service acquisition has already occurred and in fact rely at least implicitly on that occurrence in order to function. In sum, there is nothing conditional, selective, or controlled about service acquisition in the Alperovich et al and Liu references.

Claim 1 defines a method as recited below.

A method of controlling service acquisition in a wireless local area network (WLAN) device, the method including the steps of:

determining a parameter that corresponds to a present environment for the WLAN device;

comparing said parameter to a predetermined value to provide a comparison, said predetermined value defining, in part, an environment where service for the WLAN device is desirable;

analyzing said comparison according to a rule to provide a decision;

enabling a service acquisition mode when the decision is favorable; and

foregoing said service acquisition mode when the decision is unfavorable.

The Examiner construes the system and process of Alperovich et al, which selectively enables features based on a location of a cell phone, to anticipate the controlled service acquisition process of claim 1 and combines this construction with Liu's mention of WLAN device to support the §103 based rejection of claim 1. Applicant respectfully submits that this construction of Alperovich et al is not appropriate, as this reference does not deal with service acquisition as that term is used in WLANs. Alperovich et al, in Applicant's view, is not subject to a good faith construction that shows or suggests either "enabling a service acquisition mode when the decision is favorable;" or "foregoing said service acquisition mode when the decision is unfavorable" as recited by claim 1. Lui does nothing to supply or suggest these missing teachings. Thus Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claim 1 under 35 U.S.C. 103(a) based on Alperovich et al. (U.S. Patent No. 6,233,448 B1) in combination with Liu (U.S. Patent No. 5,825,759).

Clams 2-3 and 8-10 are dependent upon claim 1. From above Applicant believes that claim 1 is allowable over these references and thus by dependency claims 2-3 and 8-10 are likewise allowable. Therefore Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 2-3 and 8-10 under 35 U.S.C. 103(a) based on Alperovich et al. (U.S. Patent No. 6,233,448 B1) in combination with Liu (U.S. Patent No. 5,825,759).

c) Claims 4-5 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al. in view of Liu as applied to claim 1 above, and further in view of Jyogataki, et al. (U.S. Patent No. 6,192,251).

Claims 4-5 and 7 are dependent upon claim 1. From above Applicant believes that claim 1 is allowable over the combination of Alperovich et al. and Liu references. The Jyogataki et al reference does nothing to suggest or supply the missing teachings and thus claim 1 appears to be allowable over the combination of all three references. Therefore claims 4-5 and 7 by dependency are likewise allowable. Therefore Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 4-5 and 7 under 35 U.S.C. 103(a) based on Alperovich et al. (U.S. Patent No. 6,233,448 B1) in combination with Liu (U.S. Patent No. 5,825,759) and Jyogataki, et al. (U.S. Patent No. 6,192,251).

d) Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al. in view of Liu in view of Jyogataki, et al. as applied to claim 1 above, and further in view of Moore, et al. (U.S. Patent No. 6,434,381).

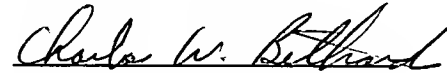
Claim 6 is dependent upon claim 1. From above Applicant believes that claim 1 is allowable over the combination of Alperovich et al. and Liu references. The Jyogataki et al or the Moore, et al. (U.S. Patent No. 6,434,381) references do nothing to supply or suggest the missing teachings and thus claim 1 appears to be allowable over the combination of all four references. Therefore claim 6 by dependency is likewise allowable. Therefore Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claim 6 under

35 U.S.C. 103(a) based on Alperovich et al. (U.S. Patent No. 6,233,448 B1) in combination with Liu (U.S. Patent No. 5,825,759), Jyogataki, et al. (U.S. Patent No. 6,192,251), and Moore, et al. (U.S. Patent No. 6,434,381).

Accordingly, Applicant respectfully submits that the claims, as amended, clearly and patentably distinguish over the cited reference of record and as such are to be deemed allowable. Such allowance is hereby earnestly and respectfully solicited at an early date. If the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-1147.

Respectfully submitted,



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